

United States Court of Appeals

**FIFTH CIRCUIT
OFFICE OF THE CLERK**

LYLE W. CAYCE
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November 10, 2020

Mr. Tony R. Moore
Western District of Louisiana, Lafayette
United States District Court
300 Fannin Street
Suite 1167
Shreveport, LA 71101-0000

No. 20-30447 Stone Energy Corporation, et al v. Nippon
Steel & Sumitomo Metal, et al
USDC No. 6:18-CV-213

Dear Mr. Moore,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

Dantrell Johnson

By: Dantrell L. Johnson, Deputy Clerk
504-310-7689

CC:

Mr. Joseph A. Fischer, III
Mr. David Ross Frohn
Mr. Michael Anthony Golemi
Mr. Paul Matthew Jones
Mr. Keith Wade McDaniel
Mrs. Meghan Brianne Senter
Ms. Alma Shields
Mr. Christopher Andrew Thompson

United States Court of Appeals for the Fifth Circuit

No. 20-30447

STONE ENERGY CORPORATION; STONE ENERGY OFFSHORE,
L.L.C.; TALOS PETROLEUM, L.L.C.; TALOS RESOURCES,
L.L.C.,

Plaintiffs — Appellants,

versus

KANASAIKIKA COMPANY LIMITED; MITSUI SUMITOMO
INSURANCE USA INCORPORATED; MITSUI SUMITOMO
INSURANCE COMPANY OF AMERICA; MITSUI SUMITOMO
INSURANCE COMPANY LIMITED; NIPPON STEEL PRECISION
MACHINING COMPANY LIMITED, *formerly known as* NIPPON STEEL
& SUMIKIN PRECISION MACHINING COMPANY LIMITED, *formerly
known as* NIPPON STEEL & SUMIKIN FINE TECHNOLOGY
COMPANY LIMITED,

Defendants — Appellees.

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 6:18-CV-213

Before DENNIS, WILLETT, and HO, *Circuit Judges.*

PER CURIAM:

No. 20-30447

This court must examine the basis of its jurisdiction on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). On June 16, 2020, the district court certified the issue of whether a federal court can exercise specific personal jurisdiction over a group of foreign companies who manufacture and sell as subcontractors custom made products pursuant to 28 U.S.C. § 1292(b). On July 16, 2020, the plaintiffs filed a notice of appeal. On August 12, 2020, plaintiffs filed an amended notice of appeal.

The procedure for requesting an appeal under § 1292(b) is governed by Federal Rule of Appellate Procedure 5. *See* Advisory Committee Notes, 1998 Amendments (“This new Rule 5 is intended to govern all discretionary appeals from district-court orders, judgments, or decrees.”). Rule 5 requires that the petition for permission to appeal be filed in the circuit court within the time specified by the statute authorizing the appeal. *See* FED. R. APP. P. 5(a)(1)–(2). Section 1292(b) requires that a party seeking to appeal apply to the court of appeals within ten days after the order sought to be appealed is entered.

In this case, the plaintiffs filed a notice of appeal and an amended notice of appeal instead of a petition for permission to appeal. A notice of appeal cannot be treated as a Rule 5 petition. *Aucoin v. Matador Services, Inc.*, 749 F.2d 1180, 1181 (5th Cir. 1985). Absent a sufficient request for permission to appeal, this court is without jurisdiction and the appeal must be dismissed. *Id.* Accordingly, the appeals are DISMISSED for want of jurisdiction.



Certified as a true copy and issued
as the mandate on Nov 10, 2020

Attest:

Lyfe W. Caney
Clerk, U.S. Court of Appeals, Fifth Circuit